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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/509,389	05/04/2005	Alan Bentley	Q83815	5050

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SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER	
PECHHOLD, ALEXANDRA K	
ART UNIT	**PAPER NUMBER**
3671	

DATE MAILED: 10/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/509,389	BENTLEY, ALAN	
	Examiner	Art Unit	
	Alexandra K. Pechhold	3671	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12/9/04,9/27/04,5/4/05*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☐ Claim(s) _____ is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-17* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *12/9/04*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claims 5 and 10 are objected to because of the following informalities: the language "or the like" and "for example" in these claims should be removed. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. Claims 1-4, 7, 8, and 10-17 are rejected under 35 U.S.C. 102(a) as being anticipated by Siegler et al (US 6,375,164).

Regarding claim 1, Sielger discloses a barrier unit (seen as upright post 20, base 22, and cassette 23) comprising a tape cartridge (seen as cassette 24), hollow to define a tape storage cavity (shown in the figures), a spindle (seen as spool 57) rotatably mounted in the cavity having tape (seen as tape 27) wound thereon, a deploying aperture in the cartridge through which at least a leading edge of the tape projects externally (shown in Figs. 9 and 10), a receiving means on the cartridge to engagingly receive a leading edge of tape from another cartridge in use (seen as a slot in bracket 67a in Fig. 12 or slot in bracket 25a in Fig. 2), mounting means on a lower part of the

cartridge to mount the cartridge on or about an upper part of an upright (seen in Figs. 1 2, and 12).

Regarding claim 2, the mounting means are adapted to engage on or about the uppermost part of a road upright in interference fit (as shown in Fig. 1).

Regarding claim 3, the mounting means comprises a tubular lower portion shaped to co-operably engage with an upper portion of the upright, the tubular lower portion comprising flexibility resilient material and/or is slotted such as to be resiliently deformable (seen as the slot in the bracket 25a or 67a which is tubular and shaped to cooperatively engage with an upper portion of the post 20 or 21, and inherently has some flexibility).

Regarding claim 4, the tape is an elongate thin flexible strip of material (see Col 3, lines 16).

Regarding claim 7, means are provided to facilitate restoage of the tape after use (see Figs. 1 and 2 wherein the tape is stored in the cassette).

Regarding claim 8, the spindle comprises spring biasing means acting on the spindle (seen as spiral retractor spring 56).

Regarding claim 10, the tape leading edge has a connecting portion (seen as pull 33 or free end 37a of tape 37 which is slipped through a slot in bracket 67 in Fig. 12, similar to bracket 25a of cassette 23) to be engagingly received in receiving means of a cartridge of a second cartridge, which connecting portion comprises a rigid projecting portion (seen as the bracket), and which receiving means comprises an aperture receiving means (seen as the slot).

Regarding claim 11, Fig. 1 of Siegler illustrates a plurality of receiving means disposed radially around the cartridge.

Regarding claim 12, the figures of Siegler illustrate a tape dispenser engaged upon and/or about an uppermost part thereof.

Regarding claim 13, Siegler discloses a temporary road traffic barrier as discussed with respect to claim 1 above, and also discloses tape (seen as tape 27) deployed therefrom extending to a receiving means on another cartridge (as seen in Fig. 1).

Regarding claim 14, Siegler discloses a temporary road traffic barrier as discussed with respect to claim 1 above, and in Fig. 1 illustrates a plurality of traffic control uprights on at least some of which are mounted cartridges with tape deployed therefrom and extending between at least some of the cartridges.

Regarding claim 15, Siegler discloses a temporary road traffic barrier as discussed with respect to claim 1 above, and in Fig. 1 illustrates one or more traffic control uprights.

Regarding claim 16, Siegler discloses a method as recited as discussed with respect to the elements of claim 1 above.

Regarding claim 17, Siegler discloses at least one terminating mounting unit (seen as the slots in the brackets as discussed with respect to claim 10 above) and a receiving means (as discussed with respect to claim 10 above), the method including engaging the leading edge of the dispense tape from at least one of the cartridges to the receiving means on such a terminating mounting unit (se seen in fig. 1 of Siegler).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Siegler et al (US 6,375,164) as applied to claim 1 above, and further in view of Signorelli (US 6,053,657). Siegler fails to disclose the tape incorporating a surface pattern or layer with hazard warning markings or information, and fails to disclose the tape as having reflective surfaced material. Fig. 11 of Signorelli designates "work area" on the tape as an indicator, and states in column 1, lines 29-30 that reflective materials may also be used to improve visibility. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the barrier unit of Siegler to have a suitable hazard warning or information on it and have tape with reflective material as taught by Signorelli, since such barrier units are used to alert and divert vehicles and dispense safety material (Col 1, lines 5-12).

6. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Siegler et al (US 6,375,164) as applied to claim 7 above, and further in view of Langlie et al (US 6,595,496). Siegler fails to disclose releasable locking means

provided. Langlie teaches a lock lever (54) to forcibly clamp the fence strand material (34) against a finger (60) see Fig. 4) and against the housing (30). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the barrier unit of Siegler to include a releasable locking means as taught by Langlie, since such a locking means provides the ability to lock the fence strand material or a tape in a particular position at a desired length for use.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexandra Pechhold whose telephone number is (571) 272-6994. The examiner can normally be reached on Mon-Thurs. from 8:00am to 5:30pm and alternating Fridays from 8:00am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will, can be reached on (571) 272-6998. The fax phone number for this Group is (703) 872-9306.

Thomas B. Will
Supervisory Patent Examiner
Group 3600

AKP
10/16/05